

Frankfort/Franklin County
Planning Commission

August 14, 2008
5:30 P.M.

Vice-Chairman Patti Cross, Presiding

Vice-Chairman Patti Cross called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	Charles Booe	
	Annie Metcalf	
	Brent Sweger	
	Dwayne Cook	
	Joe Sanderson	
	Erika Hancock	
	Joyce Honaker	
	Patti Cross	(9)

Members Absent:	Charles Stewart	
	Keith Lee	(2)

There being a quorum, the meeting proceeded.

It was noted the agenda cover sheet had a date correction from July 10 to August 14, 2008.

A motion was made by Mr. Booe to approve the minutes.
The motion was seconded by Mr. Sweger and carried unanimously.

A motion was made by Sherron Jackson to approve the following bills for payment:

Dianna Rogers (PC/July 2008)	\$ 300.00
Dawn McDonald (BZA/July 2008)	75.00
Edwin Logan (PC/July 2008)	900.00
Edwin Logan (PC/July 2008)	600.00
The State Journal – Advertising	492.98
Joe Sanderson (HB55 Conference/PC)	32.00

The motion was seconded by Dwayne Cook and carried unanimously.

There were no Reports of Officers, Special Select Committees or Special Orders.

Under Reports of Standing Committees, Sherron Jackson stated the Landscape Committee met on August 13 and were given an update of the number of developments that are currently operating but have not yet met requirements in the Development Plan. He stated one was for a storage building. Mr. Jackson stated they were asking staff to officially notice each of those and they will be placed on the agenda in September. He stated if the requirements are not met by the end of October the City and/or County will implement the requirements and bill the developer and if the items are not paid for a lien will be filed.

Under Staff Items, Mr. Gary Muller, City Planning Director, stated the Comprehensive Plan Land Use Committee would be meeting on August 21 at 5:30 P.M. He added the meeting would be held at the KSU Cooperative Extension Building.

Also under Staff Items, Mr. Muller stated the JLUS Study Group met last month and would be meeting again on August 27 at 5 P.M. He added the meeting would be held at the Boone National Guard Center.

Mr. Muller stated that the Subdivision Update Committee may be meeting on August 28 and more information would be available on that meeting soon.

The first item of New Business was a request, in accordance with Articles 5 and 7 of the City of Frankfort Zoning Ordinance, Daniel Byrd State Farm Insurance was requesting approval of a development plan and landscape variance/modification for 331 Versailles Road.

Mr. Gary Muller was present and stated the applicant went before the Landscape Committee and the Committee supported the request. Mr. Muller stated the buffer materials would be provided as shown on the plan. He added that TRT was in support of the plan. Mr. Muller stated the Landscape Committee supported Sections 7.09.4b and 7.09.4c of the Zoning Ordinance for the request. Mr. Muller stated he recommended approval of the request.

Mr. Muller stated there would be a six foot (6') wood fence. He added the plant materials would be on the neighbor's side of the fence and there is adequate room for maintenance.

Mr. Jonathan Otis was present for the applicant. He stated his client was in agreement with the staff report and the Landscape Committee's recommendation.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Jackson to establish findings of fact 7.09.4b and 7.09.4c of the staff report. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Jackson and seconded by Mr. Sweger that findings cease. The motion carried unanimously.

A motion was made by Mr. Jackson that the request be approved based on the approved findings of fact and the staff report and a notation be placed on the development plan that the same material at the rear of the property be the same as the front if the material at the rear of the property is removed. The motion was seconded by Mr. Cook and carried unanimously.

Vice-Chairman Cross introduced new Planning Commission member Joyce Honaker.

The next item of business was a Public Hearing request from Randy S. Thompson for approval of a Zone Map Amendment from Rural Residential District (RR) to Agricultural District (AG) for a 102.2 acre property located at 717 Stillhouse Hollow Road in Franklin County, Kentucky.

The Recording Secretary called the item and stated this was a public hearing under the authority of K.R.S. 100.213 and swore in all wishing to speak regarding this matter.

Mr. Edwin Logan, Planning Commission Attorney, qualified Mr. Robert Hewitt, County Planning Director. Mr. Hewitt stated he had no additions, corrections or deletions to the Staff Report. Mr. Logan requested the Staff Report be moved into the record in lieu of additional

testimony. The Staff Report was accepted into the record by Vice-Chairman Cross.

Mr. Booe asked if the property was in a flood area. Mr. Hewitt stated he would require Flood Permits before building on the property for any area in a flood area.

Mr. Randy Thompson was present and stated he was in agreement with the Staff Report. Mr. Thompson stated the property has always been used agriculturally and that is what he wants the property to be.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Jackson that the public hearing be closed and the staff report be adopted as the summary and action be taken on the request tonight. The motion was seconded by Joe Sanderson and carried unanimously.

A motion was made by Mr. Jackson to adopt the 3 findings of fact contained in the staff report. The motion was seconded by Mr. Sanderson and carried unanimously.

A motion was made by Mr. Jackson and seconded by Mr. Cook that findings cease. The motion carried unanimously.

A motion was made by Mr. Jackson that based on the findings of fact the Planning Commission recommend approval of the request to Fiscal Court. The motion was seconded by Mr. Sanderson and carried unanimously.

The final item of business was a public hearing request from Richard and Annie Smith for approval of a Zone Map Amendment from Rural Residential B District (RB) to Professional Office District (PO) for a 10.11 acre property located at 173 Cardwell Lane in Franklin County, Kentucky.

The Recording Secretary introduced the item and stated this was a called public hearing under the authority of K.R.S 100.213. The Secretary swore in all wishing to speak regarding this matter.

Mr. Edwin Logan qualified Mr. Robert Hewitt. Mr. Hewitt stated there were no changes, corrections or deletions to the staff report. Mr. Logan requested the staff report be entered into the record in lieu of additional testimony. The record was accepted by Vice-Chairman Cross.

Mr. Sweger asked for explanation of condition four of the staff report regarding commercial properties have developed to the north of the subject property. Mr. Hewitt stated it establishes where commercial properties have developed as opposed to residential development. Mr. Jackson asked how close this property was to property across from C. Michael Davenport Boulevard and Cardwell Lane. Mr. Hewitt stated about a mile or less. Mr. Jackson asked if that development was similarly situated to residential development as this. Mr. Hewitt stated it was similar but there were other commercial developments near it. Mr. Hewitt stated on the east there was a strip center and a variety of professional offices and a daycare. He stated the other side of the road is predominantly residential. Mr. Hewitt stated Meadow Glen and a landscape nursery were across from the linear frontage of the property. Mr. Jackson asked if assisted living would create a conflict due to zoning but there is a nursery. Mr. Hewitt stated yes. Mr. Hewitt stated he looks at the worst case scenario. He added the zone could accommodate drug stores, beauty shops. He stated there were also transportation issues of Cardwell Lane. Mr. Sweger asked if there was an assisted living category in the zoning ordinance. Mr. Hewitt stated it was in the PO zone district.

Mr. Booe asked about the sewer configuration for the properties at the end of C. Michael Davenport Boulevard. Mr. Hewitt stated they would be on a different sewer line and pump station. He added there would have to be downstream improvements per the Sewer Board. Mr. Sanderson asked if the proposed zone was the least intensive to allow assisted living. Mr. Hewitt stated yes.

Questions from the audience were received:

Jane Julian, 1915 Louisville Road, asked about a preliminary development plan on the checklist contained within the application. Mr. Hewitt stated a plan was not required for PO. Ms. Julian also inquired about 4.05 of the Zoning Ordinance. Mr. Hewitt stated that was for special noted conditions.

Ms. Julian also inquired about storm water permits and when they get them. Mr. Hewitt stated they were obtained prior to the issuance of building permits.

Mr. Jackson stated the staff report mentioned two streams that meet on the property. He stated the Comprehensive Plan Policies support continued use and preservation of streams. He asked how this would occur with this development. Mr. Hewitt stated that would fall under the Development Plan process. Mr. Jackson asked if they were wet water or dry streams. Mr. Hewitt stated that determination comes from the Division of Water. Ms. Metcalf stated the traffic was not mentioned in the staff report. Mr. Hewitt stated traffic on Cardwell Lane has been a significant factor. Mr. Jackson asked if it was City or County that a traffic study was required. Mr. Hewitt stated it was required for properties going to Commercial or Industrial zones. Mr. Logan asked Mr. Hewitt if he recommended a traffic study. Mr. Hewitt stated no and added it might be a development plan issue due to the size of the building.

Brian Harney, 111 Willowcrest, stated he was not sure if he was for or against the request but had concerns about water. He asked if they would be apprised of the development. Mr. Hewitt stated no; it was administrative.

Mr. Richard Smith, Applicant, 1609 Highview Circle, was present. He stated he did not agree with the staff report. He stated he wants an eleven unit assisted living home for people with Alzheimer's and dementia. He stated he wants to rezone only eight acres. He added there was not a facility like this in town.

Mr. Jackson stated there were four benchmarks for a zone change that must be addressed. Mr. Robert Semones, Engineer for the applicant, was present. He stated up the road there were two assisted living structures. He stated there is Meadow Glen across the road and a landscape nursery. Mr. Logan reiterated K.R.S. 100.213 to Mr. Semones.

A motion was made by Mr. Sanderson to table the request until the applicant can address K.R.S. 100 and hear the item next month. He added it should contain a delineation of the eight acres for zone change. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Sweger to adjourn. The motion was seconded by Mr. Jackson and carried unanimously.

Vice-Chairman Patti Cross

Recording Secretary Dianna
Rogers